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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,309	07/21/2006	Andreas C. Szentistvany	PTB-5091-8	5037

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EXAMINER
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KRUER, STEFAN

ART UNIT	PAPER NUMBER
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3654

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/566,309	<b>Applicant(s)</b> SZENTISTVANY ET AL.	
	<b>Examiner</b> Stefan Krueer	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22 - 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22 - 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 JAN06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>27JAN06</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Specification*

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Swivel mechanism for a Stairlift Chair

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 22 - 31** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

**Claim 22** recites "... the swivel mechanism comprising: at least one pivot center about which the chair may swivel with respect to the carriage" yet the invention as disclosed requires two pivot centers. Consequently, an embodiment or species requiring only one pivot center, as understood, is lacking.

### ***Claim Objections***

**Claims 23 and 26** are objected to because of the following informalities:

Re: **Claim 23**, "... two pivot centers located to intersect with the chair on opposite sides of the central axis..." is more accurately expressed as "... two pivot centers located to intersect with the chair on opposite sides of the central axis, wherein one pivot center is located on a side of said axis...".

Re: **Claim 26**, Line 2, "with a" is properly written as "with".

Appropriate corrections are required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 26 - 30** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 26** recites the limitation "its" in "its control member". There is insufficient antecedent basis for this limitation in the claim.

***All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.***

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 22 and 31** are rejected under 35 U.S.C. 102(b) as being anticipated by Voves et al (4,913,264).

Re: **Claim 22**, Voves et al disclose a swivel mechanism (Fig. 3; 62, 78, 80) for incorporation between a carriage (18) of a stairlift assembly and a chair (22) of the stairlift assembly, the chair having a pair of spaced sides (58, 58) and a central axis midway between the spaced sides, the swivel mechanism comprising: at least one pivot center (50) about which the chair may swivel with respect to the carriage, the pivot center intersecting with the chair at a point between the central axis and one of the pair of spaced sides.

In reference to the claim language referring to "*for incorporation between a carriage of a stairlift assembly and a chair of the stairlift assembly, the chair having a*

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*pair of spaced sides and a central axis midway between the spaced sides*", intended use and other types of functional language must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. In re Casey, 152 USPQ 235 (CCPA 1967); In re Otto, 136 USPQ 458, 459 (CCPA 1963).

Re: **Claim 31**, Voves et al disclose the combination of a swivel mechanism and a chairlift assembly (10, Fig. 1).

**Claims 32 - 34 and 36 - 38** are rejected under 35 U.S.C. 102(b) as being anticipated by Pufall (6,241,314).

Re: **Claims 32 - 34**, Pufall discloses a swivel mechanism (Fig. 4, Col. 2, L. 9 - 57), comprising:

- a substantially planar first part (20, Fig. 1);
- a substantially planar second part (38) arranged substantially parallel to the first part, the first and second parts arranged for rotation with respect to each other about two spaced swivel axes (64, 66) perpendicular to each, and two respective means (16, 18) for defining the swivel axes;
- in which one means for defining a swivel axis, when not engaged to act as the swivel axis, controls relative rotation of the first and second parts about the other swivel axis.
- in which rotation about each swivel axis is defined by a combination of arcuate guides (42, 44) provided in one of the first or second parts, and control members (16, 18) mounted on the other of the first or second parts, the control members engaging with, and being displaceable with respect to, the arcuate guides.
- further comprising a control member mounted on and pivotable ("... 16 and 18 are hollow and a bolt (not shown) extends through each pin...", Col. 4, L. 53 - 54) about respective swivel axes.

Re: **Claims 36 - 38**, Pufall discloses a swivel mechanism (Fig. 4, Col. 2, L. 9 - 57) for providing swivel action about two spaced, parallel, axes (64, 66), the mechanism comprising control members (16, 18) located in, and displaceable with respect to, arcuate guides (42, 44), in which the swivel action about each axis is effected and controlled by the control members (Col. 4, L. 53 - 54).

- in which the control members are rotatable (hollow about bolts).
- in which each arcuate guide comprises slots receiving the control members.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 23 - 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Voves et al in view of Pufall.

Re: **Claims 23 - 24**, Voves et al are silent with respect to two pivot centers located to intersect with the chair on opposite sides of the central axis.

Attention is directed to Pufall who teaches his swivel mechanism *for incorporation between a carriage of a stairlift assembly and a chair of the stairlift assembly, the chair having a pair of spaced sides and a central axis midway between the spaced sides*, wherein said swivel mechanism comprises two pivot centers (64, 66 via 16, 18, Fig. 4, Col. 2, L. 9 - 57) located to intersect with the chair on opposite sides of a central axis (46, Fig. 1), the swivel mechanism being constructed and arranged so that only one pivot center at a time is engaged *to define the swivel axis between his carriage (78) and his chair (96)*, as well as that only one pivot center at a time is engaged to define the swivel axis between the carriage and the chair.

It would have been obvious to one of ordinary skill in the art to modify the reference of Voves et al with the teaching of Pufall to provide a swivel mechanism

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comprising two pivot centers located on opposite sides of a central axis, *wherein one pivot center is located on a side of said axis*, to provide 180° of rotation without requiring significant, if any, lateral displacement along a central axis of said chair with respect to a carriage supporting said swivel mechanism and said chair, thereby accommodating tight confines about said chair without impeding access by an occupant to/from said chair, for savings in operating space and greater applicability.

Re: **Claim 25**, Voves et al disclose an circular guide (80 of 78) positioned to overlie his pivot center; however, Voves et al are silent with respect to an arcuate guide.

Attention is directed to Pufall who teaches his arcuate guides (42, 44) positioned to overlie each of his pivot centers, wherein said guides afford the aforementioned angular rotation of his seat without requirement of significant lateral displacement along a central axis of his carriage to accommodate tight confines while affording access to/from said seat by occupants.

It would have been obvious to one of ordinary skill in the art to modify the reference of Voves et al with the teaching of Pufall to provide arcuate guides overlying pivot centers for the aforementioned rotation of a chair without incurring lateral displacement of said chair for savings in operating space.

Re: **Claim 26**, Voves et al disclose a control member (62) mounted for rotation on his pivot center and being engageable with his guide (80 of 78), the guide being slidable with respect to the control member.

Re: **Claim 27**, Voves et al disclose a control member (62) mounted for rotation on his pivot center and being engageable with his guide (80 of 78), the guide being slidable with respect to the control member, in which swivel movement is generated by applying a rotation action to the control member and contacting an edge of the guide; however, Voves et al are silent with respect to an other guide.

Attention is directed to Pufall who teaches his guides (42, 44) and two control members (16, 18) wherein slidable movement of each of his control members along

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each of a respective guide does not require the slidable movement of the other of said control members.

It would have been obvious to one of ordinary skill in the art to modify the reference of Voves et al with the teaching of Pufall to provide arcuate guides with control members that provide slidable movement along a respective guide, wherein movement of one control member does not require movement of the other, for the aforementioned rotation of a chair without incurring lateral displacement of said chair for savings in operating space.

**Claims 35 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pufall in view of Voves et al.

Re: **Claims 35 and 39**, Pufall discloses his swivel mechanism disposed between his chair (22) and carriage (78); however, Pufall is silent with respect to a stairlift.

Attention is directed to Voves et al as reviewed above who teaches his combination of a stairlift installation including a carriage and a chair, and a swivel mechanism disposed between the carriage and the chair for features of rotation of said chair in both CW and CCW directions as well as requiring limited operating space.

It would have been obvious to one of ordinary skill in the art to modify the reference of Pufall with the teaching of Voves et al to provide a swivel mechanism comprising two pivot centers located on opposite sides of a central axis of the chair of Voves et al, *wherein one pivot center is located on a side of said axis*, to provide 180° of CW and CCW rotation without requiring significant, if any, lateral displacement along a central axis of said chair with respect to a carriage supporting said swivel mechanism and said chair, thereby accommodating tight confines about said chair without impeding access by an occupant to/from said chair, for savings in operating space and greater applicability.

**Claims 40 - 41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pufall in view of Atkinson (2,587,679).



Re: **Claim 40**, Pufall discloses a swivel mechanism (Fig. 4, Col. 2, L. 9 - 57) *for a stairlift installation having a carriage and a chair mounted on said carriage, the chair being swivelable from a central position in which a user seated in the chair faces in a direction substantially perpendicular to the direction of travel of the carriage, to first and second positions in clockwise and a counter- clockwise directions, respectively, from the central position; however,*

Pufall is silent with respect to his swivel mechanism comprises first and second drive means.

providing swivel action about two spaced, parallel, axes (64, 66), the mechanism comprising control members (16, 18) located in, and displaceable with respect to, arcuate guides (42, 44) , in which the swivel action about each axis is effected and controlled by the control members (“... 16 and 18 are hollow and a bolt (not shown) extends through each pin...”, Col. 4, L. 53 – 54).

Attention is directed to Atkinson who teaches his swivel mechanism (13 - 24) *for incorporation between a carriage of a stairlift assembly and a chair of the stairlift assembly*, wherein his swivel mechanism comprises a two optional drive means (2 x 27 – 29, Fig.1; Col. 2, L. 52 - Col. 4, L. 42), wherein his first drive means is *to swivel his chair between the central position and a first position* and a second drive means *to swivel the chair between the central position and a second position*.

It would have been obvious to one of ordinary skill in the art to modify the reference of Pufall with the teaching of Atkinson to provide a dedicated drive means for a CW- and CCW-rotation of a chair to accommodate each of the control members and respective guide within the framework of the overall assembly, thereby affording facilitated operation by occupants and stewards of said chair for ergonomics.

Re: **Claim 41**, Pufall discloses the chair swivels between the central position and the first position about one spaced swivel axis (62) and, between the central position and the second position about the other spaced swivel axis (64)

**Claims 28 - 30 and 42 - 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Voves et al in view of Pufall, as applied to Claims 27 and 41, respectively, and in further view of Atkinson (2,587,679).

Re: **Claim 28**, Voves et al and Pufall are silent with respect to a motor to rotate their control mechanism.

Attention is directed to Atkinson who teaches his swivel mechanism (13 - 24) *for incorporation between a carriage of a stairlift assembly and a chair of the stairlift assembly, the chair having a pair of spaced sides and a central axis midway between the spaced sides*, wherein his swivel mechanism comprises a two control members (22) that are optionally powered by motors (2 x 27 – 29, Fig.1; Col. 2, L. 52 - Col. 4, L. 42), wherein each motor is operable to rotate a respective control member.

It would have been obvious to one of ordinary skill in the art to modify the invention of Voves et al and Pufall with the teaching of Atkinson to provide a dedicated motor for each control member in order to facilitated operation of a chair having a swivel mechanism by occupants as well as intended occupants or others of said chair for marketability and ergonomics.

Re: **Claims 29 – 30 and 42 - 44**, Voves et al and Pufall are silent with respect to a motor to rotate their control member(s).

Attention is directed to Atkinson who teaches his interlocking means (Fig. 5, Col. 3, L. 70 – Col. 4, L. 11) to disengage one motor while the other is in operation, wherein further manual isolation of one of the motors from its respective control member is afforded (e.g., via removal of connecting pin (depicted, not indicated, Fig. 3) as well as control valve (Col. 4, L. 30).

It would have been obvious to one of ordinary skill in the art to modify the invention of Voves et al and Pufall with the teaching of Atkinson to provide a dedicated motor for each control member in order to facilitated operation of a chair having a swivel mechanism by occupants as well as intended occupants or others of said chair for marketability and ergonomics, wherein each motor can be isolated from the other for

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operation of the seat, limiting rotation of a seat to a range of 0 – 90°, if desired and/or application-specific, and replacement of either motor for maintenance.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Priepke et al (2006/0226685) and Tremblay et al (5,533,594) are respectively cited for two pivot centers and arcuate guides comprising a swivel mechanism disposed between a chair and a carriage, and a swivel mechanism for incorporation between a carriage of a stairlift assembly and a chair of the stairlift assembly, the chair having a pair of spaced sides and a central axis midway between the spaced sides, wherein their swivel mechanism comprises a two control members and two pivot centers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen, can be reached on 571.272.6608. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

SHK

/Michael R Mansen/  
Supervisory Patent Examiner, Art Unit 3654